

FIRE FACT NO. 063 CHECKLIST(s): 99

TITLE: NEW SCHOOL CONSTRUCTION

CHECKLIST ITEM(s): 99-01

REFERENCE(s): K.S.A. 31-134, 31-144, 31-150

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A synopsis of the statutes, regulations, policies, and practices of the Kansas State Fire Marshal.

- A ***school building*** is any building/structure built on the property of a school or used by a school. A school is any elementary, secondary, college, university or trade school, either public or private. (K.S.A. 31-144)
- “New school construction” includes: new buildings or additions, renovations, and remodeling projects in existing buildings that alter or change the occupancy of a building, or the exiting, fire resistance or structural integrity of a building. (K.S.A. 31-144) ***For example, locating a program for children aged 2 ½ to 5 years in a building which was used prior for K – 12 aged children is a change of occupancy.***
- The Kansas Fire Prevention Code requires **any** new school building construction project to be constructed to comply with the Uniform Building Code and related codes. (K.S.A. 31-144)
- New school construction is **not** subject to any local amendments of the Uniform Building Code. ***Separate and/or additional requirements of the Life Safety Code not found in the Uniform Building Code are not applicable to new school construction.*** (K.S.A. 31-150, Attorney General Opinion Nos. 87-9 and 86-81)
- Plans for ***new school construction*** are required by statute to be submitted to the Kansas Department of Education. The only exceptions are projects at Kansas Regents Facilities, and small remodeling projects that the Department of Education determines will not be reviewed. Projects involving ADA and accessibility issues shall be submitted to the Kansas Department of Education. Documentation that plans have been appropriately submitted shall be available for on site review by inspecting authorities. (K.S.A. 31-150)
- ***Effective January 1, 1999. New K –12 schools may be occupied after a code footprint, fire alarm drawings, and a certificate of occupancy, fire suppression equipment drawings and testing certificates have been submitted to and accepted by the Kansas State Fire Marshal. (See Fire Fact 055).***
- Plans for new school construction shall be prepared by an architect/engineer licensed in Kansas. (K.S.A. 31-150)
- Architects/engineers shall certify the ***new school construction complies with the Uniform Building Code and related codes.*** This certification is made by the designer by preparing plans with the licensed designer’s seal. (K.S.A. 31-150)



Kansas State Fire Marshal Prevention Division

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REFERENCE(s) : K.S.A. 31-134, 31-144, 31-150

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- Plan reviews by the Kansas State Department of Education/ Kansas State Fire Marshal are cursory and typically limited to 8 hours or less. The focus is on exiting, notification, detection, separation, and suppression (the **ENDSS** protocol) and is intended to identify deviations from the adopted codes before construction. Any identified deviations must either be clarified or corrected by the designer to the satisfaction of the reviewing authority before construction.
- **The statutory responsibility for code compliance in new school construction remains with the licensed design professional whose seal is on the plans.** This is true regardless of whether or not any plan review was conducted. **No statutory liability is transferred to any Code Authority.** (K.S.A. 31-150). The Uniform Building Code addresses building safety and does not specifically address many site issues.
- The school owner and the designer shall work with local authorities toward resolution of fire department access, water supply, zoning requirements, and drainage issues. Local authorities may require a school site to provide fire department access and adequate water supplies or allow the option for the building to be fully sprinklered to compensate for these requirements (See Fire Fact 019) if they have the Uniform Fire Code or other related site requirements previously adopted. (Attorney General Opinion No. 79-28 & 80-14)

THE LOCAL JURISDICTION'S ROLE

In areas where a building official is present, a plan review, a building permit, inspections, and a certificate of compliance are required in accordance to state adopted code. In areas without a building official, an authorized representative of the Kansas State Fire Marshal may inspect for code compliance and allow the new construction to be occupied or continued in operation. (Attorney General Opinion No. 87-9) (K.S.A. 31-134).

If a conflict in interpretation occurs between the local building/fire authorities and State approved construction documents, the issue should be immediately brought to the State Department of Education School Facilities Office at 785-296-2627. The State Fire Marshal may interpret unresolved issues. (K.S.A. 31-134(3)b)